

★ SEP - 8 2015 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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GLEN CAMPBELL,

Plaintiff,

NOT FOR PUBLICATION
MEMORANDUM AND ORDER
14-CV-6132 (CBA) (LB)

-against-

NASSAU COUNTY SHERIFF
DEPARTMENT OF CORRECTIONS;
SGT. CURTIN #81; OFFICER
MCKINNEY #2285,

Defendants.

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GLEN CAMPBELL,

Plaintiff,

NOT FOR PUBLICATION
MEMORANDUM AND ORDER
14-CV-7330 (CBA) (LB)

-against-

NASSAU COUNTY SHERIFF
DEPARTMENT OF CORRECTIONS;
SGT. CURTIN #81; OFFICER
MCKINNEY #2285; OFFICER
RAZENSON #3024,

Defendants.

-----X

AMON, Chief United States District Judge:

Plaintiff Glen Campbell, who is currently incarcerated at the Nassau County Correctional Center, initiated the instant actions in this Court by filing two pro se complaints alleging violations of 42 U.S.C. § 1983 related to the conditions of his confinement. Campbell requested leave to proceed in forma pauperis rather than pay the normal filing fee in both actions. This Court previously dismissed three of Campbell's prior suits related to his confinement either in

the Nassau County Correctional Center or on Rikers Island. See Campbell v. N.Y.C. Dep't. of Corr., 13-CV-7088 (CBA) (LB), 2014 WL 354767 (E.D.N.Y. Jan. 29, 2014); Campbell v. Armor Corr. Health, Inc., 14-CV-504 (CBA) (LB), 2014 WL 4207612 (E.D.N.Y. Aug. 25, 2014); Mem. & Order, DE #4, Campbell v. Nassau Cnty. Sheriff Dep't. of Corr., 14-CV-505 (CBA) (LB) (E.D.N.Y. July 29, 2014).

Section 804 of the Prison Litigation Reform Act ("PLRA"), the so-called "three-strikes rule," bars a prisoner from proceeding in forma pauperis if:

the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). A dismissal on one of the three statutorily enumerated grounds—that the action as frivolous, malicious or fails to state a claim—counts as a strike at the time it is entered by the district court, even if the prisoner subsequently appeals that judgment. See Coleman v. Tollefson, --- U.S. ---, ---, 135 S. Ct. 1759, 1763 (2015).

Therefore, the Court directs Campbell to show cause why the three-strikes rule does not mandate denial of his request to proceed in forma pauperis. Such a response shall be filed with the Court by October 9, 2015.

SO ORDERED.

Dated: September 4, 2015
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge